

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF COUNTY )	
SPECIAL PERMIT NO. 13051, GRANTING )	
AUTHORITY TO ALLOW A COMMERCIAL )	RESOLUTION NO. <u>R-14-0008</u>
COMPOSTING OPERATION ON PROPERTY )	
GENERALLY LOCATED AT SOUTH 134 <sup>TH</sup> )	
STREET AND PELLA ROAD, LANCASTER )	
COUNTY, NEBRASKA )	

WHEREAS, Prairieland Dairy, LLC requested approval of County Special Permit No. 13051, to provide the authority to allow a commercial composting operation on property generally located at South 134<sup>th</sup> Street and Pella Road, Lancaster County, Nebraska, legally described as follows:

Lots 7, 8 and 9, IT, all located in the Southeast 1/4 of Section 20-7-8, Lancaster County, Nebraska; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit, concluding that the application for special permit meets the requirements of the Commercial Composting special permit as described in the Lancaster County Zoning Resolution; and

WHEREAS, on December 11, 2013, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 13051 and voted 9-0 to approve the special permit; and

WHEREAS, on January 28, 2014, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing on County Special Permit No. 13051 and moved to approve said Special Permit.

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of

Commissioners, that County Special Permit No. 13051 to allow a commercial composting operation on property generally located at South 134<sup>th</sup> Street and Pella Road, Lancaster County, Nebraska, is hereby approved subject to the following conditions:

**Site Specific Conditions:**

1. The County Board approves associated request:
  - 1.1 Text Change 13013 to the County Zoning Resolution.
2. Before the special permit is scheduled for public hearing with the Lancaster County Board of Commissioners, the operator shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below:
  - 2.1 Change the title of the Clarification Notes document to General Site Notes and attach and label as Sheet 2 of 2 on the site plan, or add the notes directly to the site plan. If attaching the notes, label the site plan as Sheet 1 of 2, if not, label it as Sheet 1 of 1.
  - 2.2 Add to the General Notes a brief summary of the operations of the facility rather than referencing a separate document.
  - 2.3 Label or index all buildings on the site plan with the dimensions of those buildings.
  - 2.4 Reword C. in the General Notes to read “The solid waste facility is not located closer than 750 feet to any residence not associated with the facility.”
  - 2.5 Specify the type of vehicles visiting the site each day as part of the composting operation. Add to this note that the permittee agrees to notify the County Engineer

if the number of vehicles per day increases significantly and understands that a Road Maintenance Agreement may be required if warranted.

- 2.6 Label all drives on the site plan and specify which will be used for the composting operation.
- 2.7 Outline and dimension the area of the composting activity so it is clear where these activities are to be located.
3. Before scheduling for public hearing with the Lancaster County Board of Commissioners, provide the following documents to the Planning Department:
  - 3.1 Verification from the Register of Deeds office that all dwelling units shown within the 750 foot buffer area are in the ownership of Prairieland Dairy as shown on the site plan.
4. Prior to the issuance of a building permit:
  - 4.1 The construction plans must substantially comply with the approved plans.
5. The Permittee shall:
  - 5.1 Maintain the premises in a safe and sanitary condition at all times, including taking prompt action to eliminate any nuisance conditions.
  - 5.2 Assure that only organic materials enter the composting operation and shall remove and properly dispose of any other refuse, trash, hazardous waste, or other non-organic solid waste.

- 5.3 Prevent the release of chemical or other contaminants related to or caused by the operation that create a potential hazard or an actual detriment to the public health or the environment.
- 5.4 Assure that all compost materials are kept outside the 100-year flood plain and any areas with chronic or repeated drainage problems.
- 5.5 Arrange material so as to permit easy access to all such material for fire-fighting purposes.
- 5.6 Comply with all applicable local, state, and federal laws, ordinances, rules, and regulations.
- 5.7 Be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage.

**Standard Conditions:**

- 6. The following conditions are applicable to all requests:
  - 6.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 6.2 Before starting the operation the operator will have received the necessary approval from the Nebraska Department of Environmental Quality.




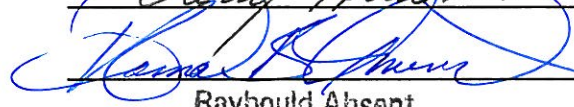
- 6.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
- 6.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 6.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

DATED this 28 day of January, 2014, at the County-City Building, Lincoln, Lancaster County, Nebraska.

APPROVED AS TO FORM  
this 29 day of  
January, 2014.

  
for JOE KELLY  
County Attorney

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

  
  
  
  
Raybould Absent